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**Board of Vocational Nursing
and Psychiatric Technicians**

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
NANCY A. KAISER
Deputy Attorney General
State Bar No. 192083
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-5794
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-2053

DANA SHONTELL McCOY
1219 E. 88th Street
Los Angeles, CA 90002

A C C U S A T I O N

Vocational Nurse License No. VN 184013

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about March 30, 1998, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 184013 to Dana Shontell McCoy (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board) under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b) states, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four (4) years after the expiration.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 2875 states, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

"(e) Conviction of a crime involving fiscal dishonesty."

COST RECOVERY

9. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially-Related Crimes)

10. Respondent is subject to disciplinary action under sections 490 and 2878, subdivision (f), in conjunction with California Code of Regulations, title 16, section 2521, subdivision (e), in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a vocational nurse as follows:

a. On or about December 14, 2010, after pleading *nolo contendere*, Respondent was convicted of one misdemeanor count of violating Penal Code section 470, subdivision (d) (false check/record/certificate), in the criminal proceeding entitled *The People of the State of California v. Dana Shontell McCoy* (Super. Ct. Los Angeles County, 2010, No. 0IG04469). The court placed Respondent on probation for a period of 36 months and fined her.

b. The circumstances surrounding the conviction are that on or about November 24, 2010, officers from the Inglewood Police Department were dispatched to investigate a report of a female attempting to pass a counterfeit check at a Staples retail store, in Los Angeles, California. The Respondent was later identified as the female who was at "Staples" attempting to use a counterfeit check. Respondent was attempting to make a purchase totaling \$21.52 with a \$100.00 traveler's check. Upon arrival at "Staples", the officers verified through American Express Check Verification that the check that Respondent was attempting to use was a counterfeit. Respondent was arrested for violating Penal Code section 470, subdivision (d) (forgery). Incident to the arrest, nine (9) additional counterfeit traveler's checks for \$100 each were recovered from Respondent's wallet.

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1 d. On or about February 22, 2006, after pleading guilty, Respondent was convicted of
2 one felony count of violating 18 U.S.C. section 2113, subdivision (a) (bank robbery), in the
3 criminal proceeding entitled *The United States of America v. Dana Shontell McCoy* (U.S. District
4 Ct. Los Angeles County, 2003, No. CR-05-274-GPS). The court placed Respondent on probation
5 for a period of five (5) years, ordered her to participate for a period of nine months in a home
6 detention program, reside in a community corrections center from 6:00 p.m. each Friday until
7 6:00 a.m. each Monday for 30 consecutive weekends, and fined her. Respondent repeatedly
8 violated the terms of her supervised release. Consequently, on July 7, 2008, the court ordered
9 Respondent's previous supervised release imposed in the Judgment and Probation/Commitment
10 Order filed February 22, 2006, to be revoked, vacated and set aside. On July 7, 2008, the court
11 sentenced Respondent to six (6) months in state prison with no Supervised Release upon release
12 from custody.

13 e. The circumstances surrounding the conviction are that on or about December 20,
14 2003, Respondent by force, violence, and intimidation, knowingly took from the person or
15 presence of another approximately \$1,893.00 belonging to and in the care of Bank of America,
16 Long Beach, California, a bank that deposits of which were insured by the Federal Deposit
17 Insurance Corporation.

18 f. On or about July 9, 2002, after pleading *nolo contendere*, Respondent was convicted
19 of one misdemeanor count of violating Penal Code section 484, subdivision (a) (petty theft), in
20 the criminal proceeding entitled *The People of the State of California v. Dana Shontell McCoy*
21 (Super. Ct. Los Angeles County, 2002, No. 2SG01123). The court sentenced Respondent to one
22 (1) day in jail, placed Respondent on probation for a period of two (2) years, and fined her.

23 g. The circumstances surrounding the conviction are that on or about May 29, 2002,
24 Respondent unlawfully, stole, and took personal property of another, to wit, a "Target" retail
25 store. On or about May 29, 2002, one of Target's Assets Protection Specialist, observed
26 Respondent enter the store with a Target plastic bag that contained a small unidentified item.
27 Previously, the Respondent had been observed by a team member, in front of the store asking
28 guests as they were leaving for their receipts. Respondent stated to a guest, that she needed the

1 receipts for "her daughter's fund raiser." The Respondent was observed shopping and then ended
2 up at the guest service where she received a refund for the items that she previously selected
3 using one of the receipts she collected from a guest outside of the store. A South Gate Police
4 Officer was dispatched to the Target store and placed Respondent into custody for attempting to
5 steal items in the amount totaling \$37.43. During the booking process, Respondent was searched
6 and two (2) small Ziploc baggies containing marijuana were recovered from Respondent's bra.
7 Respondent was arrested for violating Penal Code section 484, subdivision (a) (petty theft).

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Acts Involving Dishonesty, Fraud and/or Deceit)**

10 11. Respondent is subject to disciplinary action under section 2878, subdivision (j), as
11 follows:

12 a. On or about November 24, 2010, December 20, 2003, and May 29, 2002, Respondent
13 committed acts involving dishonesty, as set forth above in paragraph 10.

14 b. On or about June 5, 2012, Respondent entered at a Bloomingdales store, located at
15 10250 Santa Monica Boulevard, Los Angeles (Bloomingdales) and indicated that she had a
16 Bloomingdales account, provided a Florida I.D. in the name of "Khady Niang", and purchased
17 merchandise from the store (valued at \$776.40). Respondent fled with the merchandise without
18 being apprehended. On or about June 30, 2012, Respondent attempted to purchase merchandise
19 (valued at \$1560.39) at Bloomingdales using a Nevada Driver's License with a false identity.
20 Respondent's transaction did not go through, and she attempted to exit the store, but was detained
21 prior to leaving. Respondent was arrested for violating Penal Code section 470(d) (forgery).

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 12. Respondent is subject to disciplinary action under sections 2875 and 2878,
25 subdivision (a), in conjunction with California Code of Regulations, title 16, section 2521,
26 subdivision (c), in that Respondent committed acts of unprofessional conduct. Complainant
27 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 10 and
28 11, inclusive, as though set forth fully.

1 **DISCIPLINARY CONSIDERATIONS**

2 13. To determine the degree of discipline, if any to be imposed on Respondent,
3 Complainant alleges the following:

4 a. On or about February 18, 2009, the Board issued Citation No. 09-0027-L to
5 Respondent, ordering Respondent to pay an administrative penalty (fine) in the amount of
6 \$250.00, for failing to disclose on her renewal application a conviction that occurred on or about
7 September 26, 2005, for violating Vehicle Code section 12500 (driving without a license).

8 b. On or about November 28, 2005, the Board issued a warning letter to Respondent
9 stating that Respondent should behave professionally, honestly, and ethically and that further
10 substantial reports that she violated the law or regulations governing the practice as a vocational
11 nurse, may result in disciplinary action. The notice related to Respondent's conviction that
12 occurred on July 9, 2002, for violating Penal Code section 484(a) (petty theft).

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board issue a decision:

16 1. Revoking or suspending Vocational Nurse License No. VN 184013, issued to Dana
17 Shontell McCoy;

18 2. Ordering Dana Shontell McCoy to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and

21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: January 2, 2013

24  TERESA BELLO-JONES, J.D., M.S.N., R.N.

25 Executive Officer

26 Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

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